

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

THE CHEROKEE NATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 18-cv-56-Raw
	)	
MCKESSON CORPORATION; CARDINAL	)	
HEALTH, INC.; CARDINAL HEALTH 110,	)	
LLC; AMERISOURCEBERGEN DRUG	)	
CORPORATION; CVS HEALTH	)	
CORPORATION; CVS PHARMACY, INC.;	)	
OKLAHOMA CVS PHARMACY, LLC;	)	
WALGREENS BOOTS ALLIANCE, INC.;	)	
WALGREEN CO.; WAL-MART STORES,	)	
INC.,	)	
	)	
Defendants.	)	

**PHARMACY DEFENDANTS' MOTION TO STAY  
MARCH 23, 2020 RESPONSIVE PLEADING DEADLINE  
AND REQUEST FOR EXPEDITED CONSIDERATION**

Defendants, CVS Health Corporation,<sup>1</sup> CVS Pharmacy, Inc., Oklahoma CVS Pharmacy, L.L.C., Walgreens Boots Alliance, Inc.,<sup>2</sup> Walgreen Co., and Walmart Inc. (collectively, the “Pharmacy Defendants”), respectfully move to stay the March 23, 2020 deadline to answer, file a motion to dismiss, or otherwise respond to Plaintiff’s Petition. The Pharmacy Defendants further request that the Court grant expedited consideration of this Motion. In support of this motion, the Pharmacy Defendants state as follows:

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<sup>1</sup> Plaintiff is planning to dismiss CVS Health Corporation from this matter.

<sup>2</sup> Walgreens Boots Alliance, Inc. (“WBA”) intends to file at the appropriate time a motion to dismiss based on lack of personal jurisdiction, and expressly reserves its right to do so. By joining in this motion, WBA does not consent to jurisdiction or waive its position on jurisdiction in any respect.

1. On January 19, 2018, Plaintiff commenced this action by filing the Petition in the State Court of Sequoyah County, Oklahoma.

2. On February 26, 2018, McKesson Corporation filed a Notice of Removal pursuant to 28 U.S.C. § 1442. *See* ECF No. 1.

3. On February 13, 2020, an order was filed remanding this matter to this Court. *See* ECF No. 72.

4. On February 28, 2020, this Court granted the Pharmacy Defendants until March 23, 2020 to answer, move or otherwise respond to the Petition. *See* ECF No. 84.

5. On March 17, 2020, this Court entered an Order allowing Plaintiff, if it so desires, to file an Amended Complaint by March 27, 2020. *See* ECF No. 102.

6. Prior to the Court's Order, Plaintiff advised the Pharmacy Defendants it would be filing an Amended Complaint. Thus, Pharmacy Defendants will be required to file additional answers, motions to dismiss, or other responses at that time.

7. This stay is not sought for delay, but will serve the interests of judicial economy and fairness to the parties. It will further relieve the parties of the burden of filing and responding to multiple motions to dismiss and the Court of the burden of reviewing and ruling on the same.

8. Counsels' communications in an effort to resolve the issues raised in this Motion were concluded on March 18, 2020 with no agreement. Due to the upcoming March 23, 2020 deadline and its associated burdens on the parties and Court, an expedited ruling on this Motion is of necessity.

9. The stay will have no effect on a scheduled trial or other deadlines, as none have been set.

WHEREFORE, for good cause shown, the Pharmacy Defendants respectfully request that the Court grant the Pharmacy Defendants' Motion and enter an order staying the March 23, 2020 deadline for the Pharmacy Defendants to answer, file motions, or otherwise respond to Plaintiff's Petition. The Pharmacy Defendants further request the Court set a shortened time for Plaintiff's response and decide this Motion at its earliest convenience.

Respectfully submitted this 18<sup>th</sup> day of March, 2020.

/s/Larry D. Ottaway

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## CERTIFICATE OF SERVICE

I hereby certify that on this 18<sup>th</sup> day of March, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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